



4. Based on my experience in the wrestling industry and at WCW, the creators, producers, bookers and marketers of professional wrestling programming such as WCW's use their better, more polished performers with greater frequency in their wrestling programs. Factors considered by the creators, producers, bookers and marketers of these programs in determining who the better and more polished wrestlers are include the wrestler's crowd appeal, stage presence, charisma, uniqueness, wrestling ability and physique. I looked to these factors to determine Mr. Walker's likelihood of success with WCW as well.

5. As a wrestler at WCW, Mr. Walker was given significant creative freedom to choreograph his wrestling matches and to achieve the predetermined result. Mr. Walker also developed his own character, persona, costume, and gimmick.

6. In or around 1998, Mr. Walker's contract with WCW was terminated. In 1999, Mr. Walker returned to WCW with a new contract and was given another opportunity to wrestle with WCW as an independent contractor. After signing this new Agreement, Mr. Walker returned to training at the Power Plant, in an effort to further his wrestling skills in an effort to become a successful wrestler with WCW.

7. In his time as a wrestler with WCW, Mr. Walker failed to master his "signature move." Wrestlers often used unique "signature moves" to identify themselves and/or "defeat" their opponents at the end of wrestling matches. Mr. Walker's signature move involved walking on the top ropes of the wrestling ring and then attacking his opponent with a flying maneuver as he leaped from the ropes. Although this is a unique concept, Mr. Walker often fell from the ropes in attempting to carry out this move. Particularly, Mr. Walker fell from the ropes while trying to execute his signature move on more than one occasion during WCW's television programs -- even after he had previously been warned about using this move and falling off of

the ropes on WCW television and live programs. This experience with Mr. Walker's failing in executing his signature move after being warned about using this move and falling off of the ropes on television caused WCW to be very reluctant to schedule Mr. Walker in additional televised or other matches or to use him again in WCW programs.

8. WCW officials did work with Mr. Walker at the Power Plant to attempt to change his character or develop a new character with Mr. Walker in an effort to find possible wrestling opportunities for Mr. Walker. Mr. Walker appeared for a few days in a row at the Power Plant to train for and work on this opportunity. However, these efforts did not have a beneficial impact on Mr. Walker as a wrestling talent or the evaluation of Mr. Walker as a wrestler by WCW.

9. Thereafter, Mr. Walker stopped coming to the Power Plant, and after this time, I am not aware of Mr. Walker making any additional efforts to pursue wrestling and/or training opportunities with WCW. At the time that he stopped training at the Power Plant, he still had not developed the level of excitement, charisma, stage presence, uniqueness and crowd appeal of WCW's more popular wrestlers.

10. Once Mr. Walker's wrestling contract expired by its terms at the end of 2000, his contract was not renewed. WCW's decision not to renew Mr. Walker's contract had nothing to do with his race.

FURTHER AFFIANT SAYETH NAUGHT.

This 16<sup>th</sup> day of DECEMBER, 2002.

  
JAMES A. MORRISON

Sworn to and subscribed  
Before me this 16<sup>th</sup> day  
of December, 2002.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

oct 24, 2005